

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES CHAVEZ,

Petitioner,

v.

LAGRAND, WARDEN, et al.,

Respondents.

Case No. 3:13-cv-00548-MMD-WGC

ORDER

James Chavez, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (dkt. no. 1-1), a motion for appointment of counsel (dkt. no. 1-2), a motion for Leave to File excess Pages (dkt. no. 1-3) and a Motion to Address the Court (dkt. no. 1-4). He has paid the filing fee (dkt. no. 5), but has also filed two applications to proceed in *forma pauperis* (dkt. nos. 1 and 6). The pauper applications are incomplete as they do not include the required financial certificate signed by an authorized representative of the prison or the required account sheets. See LSR 1-2. The applications to proceed in *forma pauperis* shall be denied. Because petitioner has already paid the filing fee, the matter may nonetheless proceed. The motion for leave to file excess pages will be granted.

This petition raises numerous complex issues and petitioner faces several consecutive life sentences. Therefore, the motions for counsel (dkt. nos. 1-2, 4 and 7) will be granted and the Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other reason, then alternate counsel for petitioner shall be

1 located, and the Court will enter a separate order appointing alternate counsel. In either
2 case, counsel will represent petitioner in all future federal proceedings relating to this
3 matter (including subsequent actions) and appeals therefrom, unless allowed to
4 withdraw.

5 It is therefore ordered that the applications to proceed in *forma pauperis* are
6 denied as moot based on petitioner's payment of the filing fee.


7 It is further ordered that the petition and various motions submitted by petitioner
8 shall be detached and filed. The motions are granted.

9 It is further ordered that petitioner's Motions for Appointment of Counsel (dkt.
10 nos. 1-2, 4 and 7) are granted. The Federal Public Defender is appointed to represent
11 Petitioner.

12 It is further ordered that the Clerk shall electronically serve the Federal Public
13 Defender for the District of Nevada (FPD) a copy of this Order, together with a copy of
14 the petition for writ of habeas corpus and its attachments. The FPD shall have thirty
15 (30) days from the date of entry of this Order to file a notice of appearance or to indicate
16 to the Court its inability to represent petitioner in these proceedings.

17 It is further ordered that, after counsel has appeared for petitioner in this case,
18 the Court will issue a scheduling order, which will, among other things, set a deadline
19 for the filing of a First Amended Petition.

20 DATED THIS 18th day of October 2013.

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23 _____
24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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